



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,015	09/05/2003	Dianne Smith Phillips	G&C 30566.254-US-U1	8148
55895	7590	08/09/2007		
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/656,015	PHILLIPS ET AL.	
	Examiner	Art Unit	
	Nicholas Augustine	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed 05/07/2007. This action is made **Final**.
- B. Claims 1, 3-8, 10-15 and 17-21 are pending in the case. Claims 1, 8 and 15 are the independent claims. remains pending.
- C. Rejection under 35 USC 102 – Kashiwagi (US 6,037,939) has been withdrawn
-

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. *Claims 1, 3-8, 10-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clevenger et al.*

(http://www.daz3d.com/program/bryce/Bryce5_Manual_DAZ.pdf) in view of Parametric Technology Corporation et al. (PTC herein).

(http://www.ptc.com/company/mail/express2002021download_guide.htm).

As to independent claim 1, 8 and 15, Clevenger teaches a method and corresponding apparatus and article for displaying a graphical illustration of an object in a computer graphics program (PDF page 129, column 1, paragraph 5), comprising elements, steps and means for: a computer having a memory (PDF pg. 12, col. 1 and PDF pg. 126, par. 5); an application executing on the computer, wherein the application is configured to obtaining an object in a computer graphics program (PDF pg. 129, col. 1, par. 6); displaying a properties palette for the object (PDF pg. 130, Figure 1, col. 1), wherein the properties palette comprises one or more object properties having corresponding property values (PDF pg. 131, col. 1, par. last and col. 2 par. 1-2); displaying a graphical illustration of the object in the properties palette (PDF pg. 130, Figure 1).

Clevenger teaches the use of keynotes of object properties within the same window/palette (pages 230-238). Clevenger does not specifically mention the use of keynotes in the object palette. However in the same field of endeavor PTC teaches wherein one or

more of the object properties, in the properties palette, are keynoted to refer to corresponding keynotes displayed in the graphical illustration in the properties palette (PDF pg. 29, Fig.1 and PDF pg. 172, Fig.1; wherein the user selects an option from the palette to show a display view of an object with keynotes pointing to different parameters of the object, to where the keynotes are dictated in an organized manner to accommodate the user). It would have been obvious to one skilled in the art at the time of the invention to combine the keynotes of a three dimensional object for use of pointing out different parameters of a three dimensional object into the editing palette of a three dimensional object that has parameters associated by values as defined by a user of Clevenger. The motivation to combine being that of PTC is a program designed to accommodate a user in the design process of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also accommodates a user in the design process of three dimensional modeling. Of course, those skilled in the art will appreciate that the function and idea of providing a graphical indication of what the user is currently selecting is very well known and no longer novel.

Note: *Clevenger teaches a means of keynoting, wherein a graphical indication is displayed to the user of controls and effected areas of the controls therein of a three-dimensional object (see pages 230-238). The object being displayed in the window also can be construed as being a palette as seen on page 8 of Clevenger, wherein is depicted editable controls with a display of a three dimensional object.*

As to dependent claims 3, 10 and 17, note the discussion of Clevenger and Clevenger in view of PTC above. Clevenger does not specifically mention highlighting. However in the same field of endeavor PTC teaches highlighting the keynote displayed in the graphical illustration when the cursor is passes over the corresponding object property (PDF pg. 34, par. 1). It would have been obvious to one skilled in the art at the time of the invention to combine the keynotes of a three dimensional object for use of pointing out different parameters of a three dimensional object into the editing palette of a three dimensional object that has parameters associated by values as defined by a user of Clevenger. The motivation to combine being that of PTC is a program designed to accommodate a user in the design process of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also accommodates a user in the design process of three dimensional modeling.

As to dependent claims 4,11 and 18, note the discussions of Clevenger and PTC above. Clevenger does not specifically mention highlighting. However in the same field of endeavor PTC teaches highlighting one or more keynoted object properties when the cursor is passed over the corresponding keynote or property displayed in the graphical illustration (PDF pg. 26, par. 1 and PDF pg. 153, par. last). It would have been obvious to one skilled in the art at the time of the invention to combine the keynotes of a three dimensional object for use of pointing out different parameters of a three dimensional object into the editing palette of a three dimensional object that has parameters associated by values as defined by a user of Clevenger. The motivation to combine

Art Unit: 2179

being that of PTC is a program designed to accommodate a user in the design process of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also accommodates a user in the design process of three dimensional modeling.

As to dependent claims 5, 12 and 19, note the discussion of Clevenger and PTC above. Clevenger does not specifically mention the ability to toggle visibility of the graphical object using a button. However in the same field of endeavor PTC teaches toggling the visibility of the illustration using a show/hide illustration button (PDF pg. 145, par 3, Num 2 and PDF pg. 148, par 2, Num. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine PTC's embodiment of hiding and un-hiding a graphical objects into Clevenger's graphical editing program as modified by PTC. PTC teaches selections on the object illustration are easier to make (PDF pg. 144, par. 2).

As to dependent claims 6,13 and 20, Clevenger teaches the method and corresponding apparatus and article of claims 1,8 and 15 (note analysis above), further comprising changing the view of the object displayed in the graphical illustration using a shortcut menu (PDF pg. 130, col. 2, par. 2 and PDF pg. 131, col. 1, par. 3).

4. *Claims 7,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clevenger et al. in view of SkySof Software (CAD.OCX 1 ;*

Art Unit: 2179

http://www.download.com/CAD-OCX/3000-6677_4-1400022.html?tag=lst-2-1)

As to dependent claim 7,14 and 21, note the discussion of Clevenger. Clevenger teaches a graphic editing program, where the user is presented with an illustration of a graphical object to which the user can modify freely. Clevenger does not specifically mention the graphic illustration is being presented with an ActiveX component/control/application when the user is editing the object within the edit palette. However for the same problem sought to be solved SkySof teaches wherein the graphical illustration is enabled by an ActiveX application (par.I, software description). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ActiveX control to draw/render 3D objects into the graphic editing program of Clevenger. A control for handling user request in AutoCAD (a three dimensional modeling application) (par. 1)

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 05/07/2007 have been fully considered but they are not persuasive.

I.A. Applicant makes one statement regarding the rejection under 35 USC 103, in that *"Kashiwagi, Kashiwagi, Parametric, and SkySof doe not teach, disclose or suggest: (a) the use of keynotes in a properties palette; and keynoting properties that are displayed in a properties palette.*

I.R. Examiner does not agree. The combination of Kashiwagi, Kashiwagi, Parametric and SkySof was not relied upon to show the teachings of the disclosed invention. Instead as stated above in the 35 USC 103 rejection that the claimed invention is *unpatentable over Clevenger et al. in view of Parametric Technology Corporation et al. (PTC herein) and unpatentable over Clevenger et al. in view of SkySof Software.*

I.R.2 Examiner points out specific points of the rejection under 35 USC 103 above. Clevenger teaches a three dimensional object being displayed on an object properties palette, wherein the current object being displayed has editing controls adjacent to the three dimensional object (pg. 121) which is separate from the main view of the application (pg.8). Clevenger also teaches a means of keynoting an objects properties, wherein a graphical indications are displayed to the user to indicate tools and effected elements/ properties of the three dimensional scene being created by the user (see page 230, column 2) wherein described *"...The Object Attribute icons that appear next to an object's bounding box let you access different editors and set object attributes..."* Clevenger clearly gives all the means necessary to provide object parameter keynotes with graphical indications to a three dimensional object. As for the

teachings of PTC, it was to be understood that the combination of PTC into Clevenger was made for more supporting evidence that it would be obvious to one of ordinary skill in the art to use a better graphical indication was depicted (PDF pg. 172). The combination would allow for one skilled in the art to see that the elements being keynoted as referenced from a list on the same palette window as depicted in the figure on PDF pg. 172. Therefore one of ordinary skilled in the art at the time of the invention would be able to see that combination of PTC into Clevenger teaches the use of keynotes in a property palette and keynoting properties that are displayed in a properties palette.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



N. Augustine
August 3, 2007

Nicholas Augustine
Examiner
AU: 2179



BA HUYNH
PRIMARY EXAMINER